

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 2, 5-7, and 9 are pending in this application. Claims 1, 2, and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 4,931,616 to Usui et al. (herein "Usui") in view of U.S. patent application publication 2002/0040893 A1 to Arai et al. (herein "Arai"). Claims 5, 6, and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Usui and Arai and further in view of U.S. patent 6,621,044 to Jain et al. (herein "Jain").

Applicants submit the outstanding Office Action did not fully considered all the claimed features, and the claims as written positively recite features neither taught nor suggested by the applied art. Specifically, each of independent claims 1, 2, and 7 recite the total reflection mirror is moved into and retract from the optical path "during an off-time of the laser beam" in the predetermined pulse of the laser oscillator. That is, according to the claims as currently written, and with reference to Figure 1 in the present specification as a non-limited example, a total reflection mirror 8 is moved into and retracted from the optical path at an off-time of the laser beam, i.e., when the laser beam is *off*.

In further detail, Figure 1 in the present specification as a non-limiting example shows a laser beam is output from a laser oscillator onto a plurality of optical path systems 30, 40. A total reflection mirror 8 as an optical path switch can be placed into and retracted from an optical path to determine on which of the optical paths 30 or 40 the output laser beam propagates. Further, the total reflection mirror 8 is placed into or retracted from the optical path during an *off-time* of the laser beam (see also the specification for example at page 22, lines 18-26). Applicants submit the above-noted features are neither taught nor suggested by the applied art.

Applicants note the outstanding Office Action has not even addressed the above-noted claimed feature of moving a total reflection mirror into and retracted from an optical path

during an off-time of the laser beam. The outstanding Office Action cites Usui as the primary reference particularly indicating Usui discloses a mirror 17 that can be positioned in an optical pathway using a parallel shift 21. However, Usui does **not** disclose or suggest the specific claimed feature of the timing for moving the mirror 17. In the claims as written a total reflection mirror is moved into and retracted from an optical path during an *off-time of the laser beam*, i.e. *when the laser beam is off*. Usui does **not** disclose or suggest that the mirror 17 is moved during an off-time of a laser beam. Applicants again note the Office Action has not even addressed the above-noted feature and has not even indicated how Usui meets that claimed feature. Applicants submit that is the case because Usui does not in fact disclose or suggest that positively recited claimed feature.

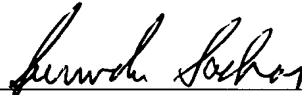
Moreover, no disclosures in Arai or Jain were cited with respect to the above-noted features, and no disclosures in Arai or Jain are believed to cure the above-noted deficiencies in Usui.

In view of the foregoing comments applicants respectfully submit independent claims 1, 2, and 7, and accordingly claims 5, 6, and 9 dependent therefrom, positively recite features neither taught nor suggested by the applied art, and thus are allowable over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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